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CONTENTS

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NOTIFICATION

LA4-608/54.

2nd July 1054.

The following Bill together with the Statement of objects and Reasons is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238 Clause (11) of the Constitution of India).

Legislature Secretariat,
Trivandrum,

V. KRISHNAMOORTHI,
Secretary Legislative Assembly.

THE TRAVANCORE-COCHIN LIVE-STOCK IMPROVEMENT BILL.

A Bill to provide for the improvement of live-stock in the State of Travancore-Cochin.

Preamble. Whereas it is expedient to provide for the improvement of live-stock in the State of Travancore-Cochin;

Be it enacted in the Fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Live-Stock Improvement Act, 1954.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) This section shall come into force at once, and the Government may, from time to time by notification in the Gazette, apply all or any of the remaining provisions of this Act to the whole or any portion of the State of Travancore-Cochin from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

2. *Definitions.* In this Act, unless the context otherwise requires—

(a) "bull" includes a buffalo-bull;

(b) "cow" includes a buffalo-cow and a heifer;

(c) "director" means the officer appointed by the Government as the Director of Animal Husbandry for the State of Travancore-Cochin and includes any other persons on whom the powers or duties of the Director under this Act have been conferred or imposed under Section 3;

(d) "licence" means a licence granted under Section 4;

(e) "Licensing Officer" means the Director or any other officer or person authorised to grant licences under Section 4;

(f) "prescribed" means prescribed by rules made under this Act;

(g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. *Appointment of Director.* The Government may by general or special order confer or impose on any person all or any of the powers or duties of the Director under this Act.

4. *Bulls which have attained a certain age to be licensed.* (1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is effectively castrated.

Explanation:—Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer or person authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

No fee shall be charged for the grant of the licence.

5. *Refusal and revocation of licenses.* (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be—

(a) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(b) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(c) of a breed which it is undesirable to propagate in the area in which it is kept.

(2) The licensing officer may also revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion,—

(a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or

(b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds of the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. *Surrender of licence.* A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if—

(*a*) the period specified in the licence expires, or

(*b*) the licence is revoked under this Act, or

(*c*) the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. *Inspection of bulls.* The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the officer concerned.

8. *Power to order castration of bulls.* (1) The licensing officer may by order require any person keeping a bull which in his opinion has attained the prescribed age, and in respect of which no licence is for the time being in force under this Act, to have it castrated, within one month from the date of the service of the order, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. *Duty to inform owner of contents of notice, or order of castration.* If any notice or order is served under Section 5, Section 7, or Section 8 on any person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

10. *Production of licence.* It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

(a) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Animal Husbandry Department not below the rank of Veterinary Surgeon, or an officer of the Revenue Department not below the rank of Deputy Tahsildar or such other officer as may be authorised in this behalf by the Government by general or special order ; or.

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

11. *Penalties.* Whoever—

(a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or

(b) neglects or fails to submit a bull for inspection when required to do so under Section 7, or

(c) neglects or fails to comply with an order served under Section 8, or

(d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

12. *Power of licensing officer to castrate bulls.* (1) If a person who keeps a bull neglects or fails to submit it for inspection or to have it castrated when required to do so under Section 7, or Section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of Section 5, may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary recognised by the Government in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting

therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and

(ii) in any other case, the bull be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. *Power of licensing officer etc., to inspect or mark bulls and enter premises.* For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times—

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. *Duty of officers to report offences etc.* It shall be the duty of all officers and servants of the Animal Husbandry and Revenue Departments—

(a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge; and

(b) to assist any licensing officer in carrying out the provision of this Act.

15. *Cognizance of offences.* No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

16. *Officers to be public servants.* The Director, every licensing officer, all officers and persons authorised by the Director or a licensing officer under this Act, and all officers and servants of the Animal Husbandry and Revenue Departments shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

17. *Bar of certain proceedings.* (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceedings if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. *Limitation for certain suits and prosecutions.* No suit shall be instituted against the Government and no suit, prosecution or other proceedings shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. *Revision.* The Government may at any time either *suo motu* or on application call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders or proceeding of any Court or Magistrate.

20. *Power to make rules.* (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates and the conditions, restrictions and limitations subject to which they may be granted ;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers ; and

(d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2) the Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the conditions of the rules being made after previous publication.

(5) All rules made under this section shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act.

(6) All rules made under this section shall be laid for not less than seven days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid.

21. *Saving.* Nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

22. *Repeal.* The Cochin Live-stock Improvement Act, III of 1120 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

In the Cochin area of the State there is in force the Cochin Livestock Improvement Act, III of 1120, which provides for the improvement of livestock by allowing only fit and healthy bulls to propagate species. The Act requires that licences should be obtained in respect of all bulls which may be used for breeding purposes and that all other bulls (including buffalo bulls) which have attained the prescribed age should be castrated.

In the Travancore area there is no corresponding enactment. In order to have a uniform law extending to the whole State, a Bill was introduced in the Legislative Assembly in 1953. The Bill was also revised by a Select Committee. But the Bill lapsed with the dissolution of the Assembly. The present Bill has been prepared on the lines of the said Bill as revised by the Select Committee.

P. S. NATARAJA PILLAI.

Gazette Extraordinary No. 30. dated 3-7-1954.

NOTIFICATION.

L. A. 4-609|54.

2nd July 1954.

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238 Clause (11) of the Constitution of India).

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN CINEMAS (REGULATION) BILL.

A Bill to make provision for regulating exhibitions by means of cinematographs.

Preamble. Whereas it is expedient to regulate exhibitions by means of cinematographs;

Be it enacted in the fifth year of the Republic of India as follows: —

1. *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Cinemas (Regulation) Act, 1954.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification, in the Gazette, appoint.

2. *Definitions.* In this Act, unless the context otherwise requires,—

(1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(2) "place" includes a house, building, tent and any description of transport, whether by water, land or air; and

(3) "prescribed" means prescribed by rules made under this Act.

3. *Cinematograph exhibitions to be licensed.* Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such license.

4. *Licensing authority.* The authority having power to grant licenses under this Act, hereinafter referred to as the "licensing authority", shall be the District Magistrate in respect of the District within his jurisdiction:

Provided that the Government may by notification in the Gazette constitute for the whole or any part of the State of Travancore-Cochin such other authority as they may specify in the notification to be the licensing authority for the purposes of this Act.

5. *Restrictions on powers of licensing authority.* (1) The licensing authority shall not grant a license under this Act, unless it is satisfied that—

(a) the rules made under the Act have been substantially complied with;

(b) adequate precautions have been taken in the place in respect of which the license is to be given to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licenses under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a license under this Act may, within such time as may be prescribed, appeal to the Government or to such officer as the Government may specify in this behalf and the Government or the officer as the case may be, may make such order in the case as they or he thinks fit.

(4) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.

6. *The power of Government or District Magistrate to suspend exhibition of films in certain cases.* (1) The Government, in respect of the whole State of Travancore-Cochin or any part thereof, and the District Magistrate in respect of the District within his jurisdiction may, if they are or he is of opinion that any film, which is being publicly exhibited, is likely to cause a breach of the peace, by order, suspend the exhibition of the film and thereafter such film shall not be exhibited or permitted to be exhibited in the State, part or District as the case may be during the period in which the order of suspension is in force.

(2) When an order under sub-section (1) has been issued by the District Magistrate, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government and the Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit.

7. *Penalties for contravention of the Act and Rules made thereunder.* (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which any license has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(2) (a) If any person exhibits or permits to be exhibited any film which has been suspended under sub-section (1) of Section 6, he shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(b) If any person is convicted of an offence punishable under clause (a) committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to Government.

8. *Power to revoke license.* Where the holder of a license has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952) or under Section 7 of this Act, the license may be revoked by the licensing authority.

9. *Power to make rules.* (1) The Government may by notification in the Gazette make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the fore-going powers, rules made under this Act may provide for—

(a) the terms, conditions and restrictions, if any, subject to which licenses may be granted under this Act ;

(b) the regulation of cinematograph exhibitions for securing public safety ;

(c) the time within which and the conditions subject to which an appeal under sub-section (3) of Section 5 may be preferred.

10. *Power to exempt.* The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose, any cinematograph exhibition or class of cinematograph exhibitions from all or any of the provisions of this Act or of any rules made thereunder.

11. *Repeal.* The Travancore Cinematograph Act, 1102 (Act, I of 1102) and the Cochin Cinematograph Act, IV of 1102 are hereby repealed in so far as they relate to regulation of cinemas including their licensing:

Provided that any appointment, notification, order, license, rule or form, made or issued under the repealed enactments, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, license, rule or form made or issued under this Act.

STATEMENT OF OBJECTS AND REASONS.

The Travancore Cinematograph Act, 1102 and the Cochin Cinematograph Act, IV of 1102 contained provision for the certification of cinematograph films and for licensing cinema theatres. In the Seventh Schedule of the Constitution "Sanctioning of cinematograph films for exhibition" has been included in entry 60 of the Union List and "cinemas subject to the provisions of entry 60 of List I" in entry 33 of the State List. By Act LXII of 1949, the Central Government extended the Cinematograph Act, 1918 to the State to the extent to which it was competent for the Central Legislature to legislate for this State, consequent on which the provisions contained in the State Acts relating to the sanctioning of cinematograph films for exhibition became in-operative. The Cinematograph, Act 1952 (Central Act XXXVII of 1952) re-enacted the provisions of the Act of 1918, separating the provisions relating to the sanctioning of films for exhibition (a Union subject) from the provisions relating to licensing and regulation of cinemas (a State subject). The provisions contained therein relating to the sanctioning of films for exhibition extend to the State. It is necessary to have a law within the legislative competence of the State for licensing and regulating the conduct of cinemas applicable to the whole State, repealing the existing Travancore and Cochin Cinematograph Acts. The present Bill seeks to achieve the above purpose.

A. THANU PILLAI.

Gazette Extraordinary No. 30 dated 3-7-1954.

NOTIFICATION.

LA4-610|54.

2nd July 1954.

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum attached to it is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238 Clause (11) of Constitution of India).

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN AGRICULTURAL PESTS AND DISEASES BILL.

A Bill to make provision for preventing the spread of insect pests, plant diseases and noxious weeds within the State of Travancore-Cochin.

Preamble. Whereas it is expedient to take measures to prevent the spread of insect pests, plant diseases and noxious weeds injurious to health or to crops, plants, trees or water-supply or obstructive to waterways within the State of Travancore-Cochin.

Be it enacted in the Fifth year of the Republic of India as follows:—

PART I

PRELIMINARY

1. *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Agricultural Pests and Diseases Act, 1954.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once.

2. *Interpretation.* In this Act, unless there is anything repugnant in the subject or context—

(*a*) "insect pest" means any insect or other invertebrate animal which has been declared by notification under Section 3 of this Act to be an insect pest;

(*b*) "plant disease" means any fungoid, bacterial, prasitical or other disease which has been declared by notification under Section 3 of this Act to be a plant disease;

(c) "noxious weed" means any weed which has been declared by notification under Section 3 of this Act to be a noxious weed;

(d) "plant" includes the fruit, leaves, bark, cuttings or any living portion of a plant but does not include the seed unless the seed has been especially included in the definition of plant by the Government by notification under this Act;

(e) "occupier" means the person having for the time being the right of occupation of any land, premises, or water or his authorised agent or any person in actual occupation of the land, premises or water; and includes a local authority and a company having such right of occupation or in such actual occupation;

(f) "notified area" means the area covered by a notification published under Section 3;

(g) "Director of Agriculture" means an officer appointed by the Government to be the Director of Agriculture and includes every person who for the time being performs the duties of the office ;

(h) "prescribed" means prescribed by notification or rules made under this Act.

PART II.

OF INSECT PESTS, PLANT DISEASES AND NOXIOUS WEEDS.

3. *Notification by the Government of areas affected by insect pests, plant diseases or noxious weeds.* (1) If the Government consider that any pest, disease or weed in any local area is dangerous to health or is injurious to crops, plants, trees or water supply or is obstructive to water-ways and that it is necessary to take measures to eradicate it or to prevent its introduction or re-appearance, they may, by notification in the Gazette,—

(a) declare that such pest, disease or weed is an insect pest, a plant disease or a noxious weed,

(b) prohibit or restrict the removal of any plant from one place to another or prescribe such other preventive or remedial measures as may be necessary in respect of such pest, disease or weed, and

(c) define the local area within which and the period during which such notification shall be in force.

(2) Where the preventive or remedial measures prescribed in sub-section (1) include the removal or destruction of any plant in order to eradicate or prevent the introduction or re-appearance of any insect pest, such notification shall, prior to the date on which the notification shall come into force, be proclaimed in the local area defined in the notification in such manner as may be prescribed.

4. *Liability on the occupiers.* On the issue of a notification under Section 3 every occupier within the notified area shall be bound to carry out the remedial and preventive measures prescribed in such notification

Explanation.—For the purpose only of this section the Government shall be demeed to be the occupier in the case of all lands which are the property of the Government within the meaning of Section 3, sub-section (1), of the Travancore-Cochin Land Conservancy Act, 1951, (Act XIX of 1951).

5. *Right of entry.* Any officer appointed under Section 20 may enter on any land or water within the notified area and take such action as may be necessary in order to ascertain—

(a) whether any insect pest, plant disease or noxious weed is there present; and

(b) whether the prescribed remedial or preventive measures or both as the case may require have been taken.

6. *Procedure where measures prescribed to eradicate insect pests include removal or destruction of plants.* Where the remedial or preventive measures prescribed by a notification under Section 3 include the removal or destruction of any plant in order to eradicate or prevent the introduction or reappearance of any insect pest, any occupier who fails to remove such plant on or before the date specified in the notification shall be deemed to have committed an offence under this Act and the removal or destruction of such plant may be carried out by the inspecting officer or under his supervision.

7. *Inspecting officer may serve a notice on occupier to take remedial or preventive action.* (1) If any inspecting officer appointed under Section 20 finds that any prescribed remedial or preventive measures other than those specified in Section 6 have not been properly carried out, he may, subject to such rules as the Government may prescribe under Section 22, clause (f), call upon the occupier by notice in writing to carry out the prescribed remedial or preventive measures within a time to be specified in such notice.

(2) The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final.

(3) The officer receiving the appeal may extend the time specified in the notice under sub-section (1).

8. *Occupier failing to comply with the notice served on him commits an offence.* If any occupier upon whom notice has been served under Section 7 fails to comply with the notice within the time specified by the inspecting officer or, in cases where an appeal has been preferred, by the prescribed officer on appeal, he shall be deemed to have committed an offence under this Act and the prescribed remedial or preventive measures may be carried out by the inspecting officer or under his supervision.

9. *Recovery from the occupier of the cost of preventive or remedial measures carried out by the inspecting officer.* (1) If any prescribed remedial or preventive measures are carried out by the inspecting officer under Section 6 or Section 8, the cost of such measures shall be recoverable from the occupier as if it were an arrear of land revenue, but such occupier may appeal to the Collector within thirty days from the date of demand on the ground that—

(*a*) charges for items other than cost of labour, material or use of implements have been included, or

(*b*) the charges for labour, material or use of implements are unduly high.

(2) The order of the Collector on such appeal shall be final.

10. *Destruction of trees or plants in execution of remedial or preventive measures and compensation therefor.* (1) If in carrying out any prescribed remedial or preventive measures under Section 6 or Section 8 the inspecting officer destroys or causes to be destroyed,

(*a*) any tree which is infected with the insect pest or plant disease, or

(*b*) any plants, not being trees, some or all of which are affected by the inspect pest or plant disease but which are grown so closely together that it is not ordinarily practicable to treat each plant individually, or

(*c*) any plants including trees which, though not so infected have in his opinion become liable to such infection,

he shall serve a notice in writing on the occupier stating particulars of the trees and plants destroyed and his estimate of their value.

(2) When any trees or plants are destroyed as aforesaid, the occupier shall be entitled to compensation as follows:—

for a tree destroyed under sub-section (1), clause (*a*)—not exceeding one-half the value thereof;

for plants destroyed under sub-section (1), clause (*b*)—not exceeding two-thirds the value thereof;

for plants destroyed under sub-section (1), clause (*c*)—their full value:

Provided that no compensation shall be payable for cotton plants the destruction of which has been prescribed in order to eradicate or prevent the introduction or re-appearance of any insect pest.

(3) For the purposes of this section value shall mean the value of the tree or plant at the time of its destruction.

11. *Claims for compensation how and when to be made.* All claims for compensation under Section 10 or Section 17 shall be made in writing to the valuing officer appointed by the Government within one month from the service of the notice mentioned

in sub-section (1) of Section 10, or within one month from the date of destruction of the tree or plant, as the case may be, by the occupier.

12. *Award of compensation.* The valuing officer after making such inquiry and taking such evidence as he may consider necessary shall award compensation not exceeding the rates prescribed in Section 10 and transmit or cause to be transmitted copies of his award in writing to the occupier and to the inspecting officer.

(2) The date within which and the officer before whom an appeal may be preferred shall be entered in the award.

13. *Appeal against award.* Either the occupier or the inspecting officer may within thirty days of the date of receipt of the award prefer an appeal against such award to the prescribed officer whose decision shall be final.

14. *Obligation of village officers to report on insect pests, plant diseases or noxious weeds.* All Village officers of villages in taluks adjoining a notified area within whose village limits a pest, disease or weed similar to the insect pest, plant disease or noxious weed within the notified area shall appear, shall report the same to the Collector.

15. *Punishment for offence under Section 6 or 8.* Any one convicted by a Magistrate of an offence under Section 6 or Section 8 of this Act shall be liable to fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.

16. *Contravening notification under Section 3 (1) (b) to be an offence; and punishment therefor.* If any person contravenes a notification under Section 3, sub-section (1), clause (b), of this Act prohibiting or restricting the removal of any plant from one place to another he shall be deemed to have committed an offence under this Act. Any one convicted by a Magistrate of such an offence shall, in addition to confiscation and destruction of the plant in respect of which the offence was committed, be liable to fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.

17. *Compensation for trees and plants destroyed by occupier.* Where an occupier destroys any trees or plants in obedience to a notice issued under Section 7, he shall be entitled to such compensation as he would have been entitled to under Section 10 if such tree or plant had been destroyed by the inspecting officer.

18. *Compensation not payable for noxious weeds destroyed.* Notwithstanding anything in this Act, no compensation shall be payable for any noxious weed destroyed.

19. *Institution of prosecutions or other legal proceedings under the Act.* (1) No suit, prosecution or other legal proceedings shall lie against any officer for anything done under

this Act in good faith or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the District Collector.

(3) No prosecution under this Act shall be commenced after six months from the date of the alleged offence.

20. *Appointment of inspecting officers.* The Government may from time to time appoint inspecting officers for the purpose of carrying out the duties prescribed in Sections 5, 6 and 7.

21. *Delegation of powers.* The Government may by notification in the Gazette delegate all or any of their powers under this Act except those conferred by Sections 3 and 22 to the Director of Agriculture or any other officer or to any local authority or the president or chairman of any local authority.

22. *Powers to make rules.* The Government may by notification in the Gazette make such rules not inconsistent with the provisions of this Act as may from time to time be necessary—

(a) including seed within the definition of a plant,

(b) prescribing the methods of publication of descriptions of insect pests, plant diseases and noxious weeds and of the treatment to be followed,

(c) prescribing the qualifications required of inspecting officers,

(d) prescribing the procedure to be followed in making an award under Section 12 and the methods and conditions of valuation of trees and plants,

(e) prescribing the officers to whom appeals may be made and the procedure to be followed in respect of such appeal.

(f) prescribing the procedure, notices and method of service thereof, notifications, registers and other processes needed for the effectual working of this Act, and

(g) generally to carry out the purposes of this Act.

23. *Repeal.* The Travancore Plant Pests and Plant Diseases Act, XII of 1094 and the Cochin Plant Pests and Plant Diseases Act, XIV of 1095 are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

By the Part B States (Laws) Act, III of 1951, the Destructive Insects and Pests Act 1914 (Central Act II of 1914) was extended to this State with effect from the 1st April 1951 and the corresponding provisions in the laws in force in this State, namely the Travencore Plant Pests and Plant Diseases Act, XII of 1094 and the Cochin Plant Pests and Plant Diseases Act, XIV of 1095 were repealed. The Central Act provides only for

preventing the introduction into and the transport from one State to another in India of any insect, fungus or other pest which is or may be desturctive to crops. It is necessary to have a uniform measure extending to the whole State making provision for the prevention of the spread of pests and plant diseases also. Protection against pests and prevention of plant diseases is a State subject and appropriate legislation for the purpose has to be undertaken by the State Legislature. The Bill is intended to achieve the above object.

The Bill closely follows the one which after having been revised by a Select Committee was pending before the Legislative Assembly at the time of its dissolution in September 1953.

P. S. Nataraja Pillai.

FINANCIAL MEMORANDUM.

Clauses 11 and 20 of the Bill provide for the appointment of valuing and inspecting officers, and clauses 10 and 17 for payment of compensation for the plants or trees destroyed.

It will not be necessary to appoint separate officers since the existing extension staff of the Agricultural Department can be invested with powers to function as Inspecting officers and the Tahsildars or Collectors can be invested with powers to function as valuation officers. Hence no additional expenditure is necessary for this purpose.

Subordinate field staff in the grades of fieldmen, maistries and climbers will have to be appointed for the supervision and execution of the control measures, whenever there is a prevalence of pests and diseases.

Expenditure has to be provided for the carrying out of the control measures by the "Inspecting Officers" in the case of recalcitrant agriculturists. This expenditure can be recovered in full from the parties concerned.

Payment has to be made as compensation for plants and trees destroyed under circumstances specified in the clauses of the Bill.

The provision for the appointment of temporary staff as fieldmen, maistries, climbers etc., and for expenditure on control measures and for payment of compensation cannot be estimated beforehand since this will necessarily depend on the extent of prevalence of pests and diseases. This expenditure has to be met from the budget head "Contingencies" of the Agricultural Department.

P. S. Nataraja Pillai.